

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
GERARD LANDISI, :
:
Plaintiff, :
:
v. :
:
CAMP EXTREME TOURS, LLC d/b/a :
TOUR TRANSPORT, LLC and YJ TOURING, :
INC. d/b/a/ YOUNG JEEZY :
:
Defendants. :
:
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MEMORANDUM & ORDER
11-CV-4664 (MKB) (ETB)

MARGO K. BRODIE, United States District Judge:

On August 11, 2011, Plaintiff Gerard Landisi (“Plaintiff”) filed this diversity action in New York Supreme Court, Nassau County, against Camp Extreme Tours, LLC d/b/a Tour Transport, LLC and YJ Touring, Inc. d/b/a/ Young Jeezy (collectively the “Defendants”). On September 26, 2011, Defendant YJ Touring, Inc. removed the action to this court pursuant to 28 U.S.C. §§ 1441 and 1446(b).

By order dated October 18, 2011, Magistrate Judge Boyle scheduled an initial conference for January 20, 2012. (See Order (Docket Entry # 7).) Defendants appeared through counsel, but Plaintiff, who is also represented by counsel, failed to appear or to communicate with the court. (Docket Entry # 8.)

Magistrate Boyle rescheduled the initial conference to May 9, 2012. *Id.* At the rescheduled May 9, 2012 conference, Defendants appeared through counsel and Plaintiff neither appeared nor communicated with the court about his failure to appear. Accordingly, on May 9, 2012, Magistrate Judge Boyle issued a Report and Recommendation recommending that

Plaintiff's action be dismissed pursuant to Fed. Rs. Civ. P. 16(f) and 41(b), based on Plaintiff's failure to comply with the court's orders and Plaintiff's failure to prosecute the action. (Docket Entry # 9.) Plaintiff was ordered to submit any objection to the Report and Recommendation within fourteen (14) days of service of the Report. *Id.* This Court did not receive any objections to the Report and Recommendation.

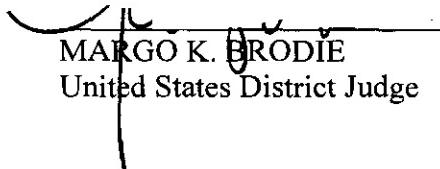
A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "Failure to object to a magistrate judge's report and recommendation within the prescribed time limit 'may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.'" *Sepe v. New York State Ins. Fund*, No. 10-CV-4602, 2012 WL 1071811, at *1 (2d Cir. Apr. 2, 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir.1997)).

Having received no objection from Plaintiff, the Court adopts the Report and Recommendation in its entirety, and Plaintiff's complaint is dismissed with prejudice. The Clerk of the Court is directed to enter judgment dismissing this action and closing this case. The Clerk of the Court is also directed to serve a copy of this Memorandum and Order on Plaintiff and to note the service on the docket.

SO ORDERED.

Dated: June 11, 2012
Brooklyn, NY

s/ MKB


MARGO K. BRODIE
United States District Judge